

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM EVANS, Inmate #B-08677,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 06-055-WDS
)	
ILLINOIS DEPARTMENT OF)	
CORRECTIONS , <i>et seq.</i> ,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

STIEHL, District Judge:

On February 8, 2006, this Court dismissed this action, finding that Petitioner had not exhausted his administrative remedies regarding the challenged disciplinary ticket, nor had he presented his claims to the Illinois courts in a mandamus action pursuant to 735 ILCS 5/14-101 *et seq.* That dismissal was without prejudice to Petitioner refiling his claims, but *only after* he had properly exhausted all of his administrative and state court remedies.

Now before the Court is Petitioner's motion to refile his habeas corpus action (Doc. 7); he claims that he has attempted to exhaust all administrative and state court remedies. However, because this action was dismissed *without prejudice*, Petitioner does not need leave of court to file a new habeas corpus action.¹ Accordingly, this motion is **DENIED** as moot.

IT IS SO ORDERED.

DATED: September 6, 2006.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE

¹ It appears that Petitioner may have already filed a new habeas corpus action about this ticket. *See Evans v. Illinois Department of Corrections*, Case No. 06-671-GPM (S.D. Ill., filed Aug. 30, 2006).